

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 22-cr-174 (NEB/ECW)

UNITED STATES OF AMERICA,

Plaintiff,

**ORDER OF DETENTION**

v.

(1) MIGUEL ANGEL ROSAS-  
BARRIENTOS,

Defendant.

This matter came before the Court on August 12, 2022, for an initial appearance. Mr. Rosas-Barrientos appeared and was represented by Jean Brandl of the Federal Defender's Office. The United States was represented by Assistant United States Attorney Ruth Shnider. The United States moved to have Mr. Rosas-Barrientos detained pending trial.

The Court had before it the bond report prepared by the Pretrial Services Office and the Indictment in this matter. At the initial appearance, Mr. Rosas-Barrientos stated that he wished to waive his right to a detention hearing at the present time.

FINDINGS OF FACT

Mr. Rosas-Barrientos is presently charged by Indictment with conspiracy to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846. This charge carries with it a mandatory minimum penalty of ten

years imprisonment and also triggers a rebuttable presumption of detention pursuant to 18 U.S.C. § 3142.

According to the bond report, it appears Mr. Rosas-Barrientos is presently without legal authority to be in the United States. He also has significant family ties in Mexico. He was unable to provide contacts to the Pretrial Services Officer to verify his biographical information. The bond report recommends detention.

Based on the colloquy that took place at the initial appearance, the Court finds that Mr. Rosas-Barrientos made a knowing and voluntary waiver of his right to a detention hearing.

### DISCUSSION

Under 18 U.S.C. § 3142, pretrial detention may be ordered either upon a clear and convincing showing that release will result in a danger to the community or upon a showing by a preponderance of the evidence that release will result in a serious risk of flight. *United States v. Abad*, 350 F.3d 793, 797 (8th Cir. 2003); *United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986). Under 18 U.S.C. § 3142(e)(3)(A), given the charge in this case under the Controlled Substances Act, a rebuttable presumption arises that “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community.”

In light of Mr. Rosas-Barrientos’ waiver, which necessarily carries with it a failure to rebut the presumption of detention, as well as the information contained in the bond report, the Court finds that there is no condition or combination of conditions that will reasonably assure Mr. Rosas-Barrientos’ future appearance or the safety of the community

if he were released pending the resolution of the criminal charges against him. Accordingly, the Court will order him detained. If in the future Mr. Rosas-Barrientos believes that changed circumstances warrant reopening the issue of detention under the relevant legal standards, he may file an appropriate motion with the Court.

CONCLUSION

Accordingly, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention of Mr. Rosas-Barrientos is granted;
2. Mr. Rosas-Barrientos is committed to the custody of the United States Marshals for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Mr. Rosas-Barrientos shall be afforded reasonable opportunity to consult privately with his lawyer; and
4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which Mr. Rosas-Barrientos is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: August 15, 2022

s/ John F. Docherty  
John F. Docherty  
United States Magistrate Judge